IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 16856-M of 2005

DATE OF DECISION : 31.08.2006

Inder Singh

.... PETITIONER

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Munish Jolly, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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Initially, the petitioner had filed this petition under Article 226 and 227 of the Constitution of India, which has now been treated as one under Section 482 Cr.P.C., vide order dated March 04, 2005.

2. Petitioner Inder Singh has filed this petition for issuing direction to the respondents to register FIR with regard to the un-natural death of his son.

3. In this case, Narender Singhal-son of the petitioner, was a student of B.Sc. in Hospitality and Hotel Administration Course at the Institute of Hotel Management Catering and Nutrition situated at Gurdaspur, Punjab. He was residing in the hostel of the institute. On 21.8.2004, Narender Singhal-son of the petitioner and some other students went for a picnic at Madhopur to celebrate the birth day party of one student Swati Sharma. They hired a Tata Sumo vehicle. After parking the vehicle, all the students went towards Madhopur canal through the stairs. When they were sitting at the bank of the canal, Narender Singhal-son of the petitioner slipped in the canal. To save him, another student Abhinav Sharma jumped into canal but he could not save him and he also flew with the water. Then, third student, namely Tanuj Sachdeva, jumped in the water to save his colleagues, but he could not succeed and unfortunately, son of the petitioner

and Abhinav Sharma flew with the water and died. Subsequently, dead bodies of the deceased were recovered from the bank on 22.8.2004. The inquest proceedings under Section 174 Cr.P.C. were conducted and then necessary formalities were completed. During the inquiry, conducted by the police, it was found that the death of son of the petitioner and other student was due to drowning in the water and there was no foul play in their death. However, subsequently, the petitioner suspected some foul play in the death of his son. He made a complaint to the police, on which DDR No. 27 dated 10.9.2004 was recorded. In the complaint, it was alleged by the petitioner that his son developed friendship with some of his classmates namely Nikhil, Miss Haripriya and Miss Swati Sharma and they were frequently in touch with each other. It was further alleged that Nikhil and Swati were inclined with each other. In the complaint, it was alleged by the petitioner that his nephew Jitender Singhal had told him that some cousin of Haripriya who was also a student of the same Institute had threatened Narender Singhal-son of the petitioner, of dire consequences, if he continued affairs with Haripriya. It was further alleged by the petitioner that his nephew told him that his son developed some intimacy with Swati Sharma which was disliked by Nikhil and Haripriya. Because of this, he suspected that his son might have been murdered by some student. He prayed that an inquiry be conducted and FIR under Sections 302 and 120-B IPC be registered against the suspected persons. When the police did not register criminal case against the suspected persons, the petitioner filed the instant petition.

4. Pursuant to the notice, reply on behalf of respondents No.1 to 3 has been filed, in which it is stated that on the complaint made by the petitioner, a detailed inquiry was conducted. During the inquiry, statements of the students, who also went along with the deceased, Sumo driver and other persons were recorded. During the investigation, it was found that son of the petitioner died due to fall in the canal, though efforts were made to save him by his two colleagues, but one of them also died in an attempt to save son of the petitioner. Statement of third student namely Tanuj Sachdeva, who jumped in the canal to save his colleagues, was also recorded. It has been stated in the reply that the aforesaid inquiry was

conducted by DSP, who submitted his report on 16.9.2004. During the enquiry, no foul play was found. As per the above said enquiry, again a complaint was filed alleging that fair and proper inquiry was not conducted. Thereafter, further inquiry was conducted and again report was submitted by the DSP on 11.1.2005, in which it was also found that son of the petitioner died due to drowning and there was no foul play in his death. The State has placed on record both the inquiry reports along with statements of various persons recorded by the police during investigation.

5. I have heard counsel for the parties and gone through both the reports along with statements of driver of the Sumo and other students. After going through the same, I am of the opinion that the police has conducted a fair investigation in this case, and during the investigation, it was found that son of the petitioner and another student Abhina Sharma died due to drowning and there was no foul play in the said incident. In the petition, no malafide has been alleged against the local police. There is no material on the record to suggest that the investigation conducted by the police on the complaint made by the petitioner is tainted or biased. In view of these facts and circumstances of the case, I do not find any ground to issue the direction for registration of case against some students, who according to the petitioner are responsible for the un-natural death of his son. The alleged suspicion of the petitioner, in my opinion, is baseless. From the statements of various persons, including Tanuj Sachdeva, who jumped in the canal to save son of the petitioner, it is clear that it was an unfortunate accident, in which two students have lost their lives.

6. Dismissed.

August 31, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**